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6 Attorney for Defendant
JULIO NEVAREZ-ERUNEZ
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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,) Case No. 2:22-cr-00210-KJM
11)
Plaintiff,)
12) REQUEST FOR RULE 43 WAIVER OF
vs.) APPEARANCE [~~PROPOSED~~] ORDER
13)
JULIO NEVAREZ-ERUNEZ,) Time: 2:00 PM
14) Date: March 10, 2023
Defendant.) Judge: Honorable Jeremy D. Peterson
15)
16)
_____)

17 Pursuant to Rule 43 of the Federal Rules of Criminal Procedure, defendant, JULIO
18 NEVAREZ-ERUNEZ, hereby waives the right to be present in person for the Bail Review
19 hearing in open court scheduled for March 10, 2023.

20 Defendant hereby requests the Court to proceed during his absence at that hearing; agrees
21 that defendant's interests will be deemed represented by the presence of the defendant's attorney,
22 the same as if the defendant were personally present; and further agrees to be present in court
23 ready for trial or any other pretrial motion any day and hour the Court may fix in the defendant's
24 absence.

25 This waiver does not extend beyond the hearing scheduled for March 10, 2023.

26 The defendant further acknowledges being informed of the rights under Title 18 U.S.C.
27 §§ 3161-3174 (Speedy Trial Act), and authorizes the defendant's attorney to set times and dates
28 under that Act without the defendant's personal presence.

1 Finally, Mr. Nevarez-Erunez consents to counsel signing this waiver on his behalf,
2 pursuant to General Order 616. He stipulates that i) obtaining his wet signature is both
3 impractical and imprudent because he is in custody at the Yuba County Jail in Marysville,
4 California, 45 minutes from the Office of the Federal Defender; ii) he has had an opportunity to
5 consult with counsel regarding this matter; and iii) after said consultation, he consents to his
6 counsel signing this order electronically on his behalf.

7 The waiver in this case is necessary to proceed with the Bail Review Hearing of March
8 10, 2023, because, upon representations of the United States Marshal Service, it would be
9 impossible for Mr. Nevarez-Erunez to be transported to court for the hearing because of
10 constraints on United States Marshal resources. In order to proceed with the motion Mr.
11 Nevarez-Erunez agrees to waive his appearance at the hearing.

12 Dated: March 10, 2023

13
14 /s/ Hannah Labaree
15 HANNAH R. LABAREE
16 Assistant Federal Defender
17 Attorney for Defendant

18 IT IS SO ORDERED.

19 Dated: March 10, 2023

20 
21 JEREMY D. PETERSON
22 UNITED STATES MAGISTRATE JUDGE
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